

27th March 1928]

[Mr. Mahmud Schamnad]

All enlightened Mappillas of North Malabar are reported to be in favour of the legislation. In the end the Collector says 'legislation (whatever form it may take) designed to give effect to the object which the author of the present Bill has in view will meet with a very large measure of support from the community affected by the Bill. I therefore support the proposal to legislate on these lines.'

"The Collector of South Kanara says 'the general opinion is that the proposed amendment is necessary and may be accepted The proposed amendment is only intended to give effect to the provisions of the Muhammadan law relating to the power of testamentary disposition and therefore seems to me to be unobjectionable.' For these reasons I beg to move the motion."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the Malabar Wills Act be taken into consideration."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"Mr. President, Sir, 11-16 I just want to say a few words in order to remove any possible doubt that ^{a.m.} might be entertained in the application of the Act. The words 'all Mappillas governed by the Marumakkattayam or Aliasantana law of inheritance' have been borrowed from the Mappilla Succession Act, 1918. The Act applies not to the tarwad property owned by such Mappillas, the tarwad property being governed by Marumakkattayam or Aliasantana law of inheritance, but only to the separate property of a Mappilla including cases where the Mappilla concerned happens to be, so to speak, the last of the race. The tarwad property to which he has become solely entitled could not be ordinarily said to be the property of the Mappilla concerned. The scope both of the Mappilla Succession Act as well as this Act is confined to cases of separate property at the absolute disposal of the Mappilla concerned or of the tarwad property which becomes solely his being the last surviving member of the tarwad. I think this particular explanation of mine may be useful to clear up the ground when the construction of the phrase, which occurs not only in this Act, but also in the prior Act of 1918, comes before the courts for discussion. With these observations I beg to support the motion."

The motion was put to the House and adopted.

Clauses 1, 2 and 3 were separately put to the House and carried.

The clauses were allowed to stand part of the Bill. The preamble was put to the House and carried; and it was allowed to stand part of the Bill.

Mr. MAHMUD SCHAMNAD SAHIB :—"I move that the Bill be passed into law."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"I second it."

The question that the Bill be passed into law was put to the House and carried, and the Bill was passed into law.

V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT^a,
THE MADRAS LOCAL BOARDS ACT, AND THE MADRAS GENERAL
CLAUSES ACT.

Mr. J. A. SALDANHA :—"The object of this Bill is to define what is meant by the term 'public' as applied to public streets, roads, etc. The term 'public' is used"

^a Published in the Fort St. George Gazette on 21st February, 1928.

[27th March 1928]

The hon. the **PRESIDENT**:—"Under the new Standing Orders no discussion can be permitted when the Member in charge of a Bill introduces a Bill."

* **Mr. J. A. SALDANHA**:—"Sir, I introduce my Bill to amend the Madras District Municipalities Act, the Madras Local Boards Act and the Madras General Clauses Act.

"The Bill having been introduced, I move

'that the Bill be referred to a select committee composed of the following members.'

"But before I mention the names of the Members I should like briefly to explain the purpose of this Bill . . ."

* The hon. the **PRESIDENT**:—"The hon. Member need only take the trouble of giving a description of the Members who will constitute the Select Committee." (Laughter.)

* **Mr. J. A. SALDANHA**:—"I move, Sir, that the Bill be referred to a select committee composed of the following Members:—

- (1) The hon. the Minister for Local Self-Government,
- (2) The hon. the Law Member,
- (3) The hon. the Advocate-General,
- (4) Rao Sahib R. Srinivasan,
- (5) Rao Sahib L. C. Guruswami,
- (6) Mr. N. Siva Raj,
- (7) Mr. A. B. Shetty,
- (8) Mahmud Schamnad Sahib Babadur, and
- (9) Myself."

Mr. C. GOPALA MENON:—"I second it."

* The **RAJA OF RAMNAD**:—"Mr. President, Sir, I object to the composition of the Select Committee. I have absolutely nothing to say against the individuals mentioned here. It looks to me that the selection has been made without any regard to other parts of the Presidency except South Kanara. There are three members coming from South Kanara among the elected members, three others are officials and the remaining three are nominated members. This is a matter which vitally concerns other parts of the Presidency as well and the hon. Mover ought to have included the names of other members in consultation with the Leaders of parties. There are ever so many members who have had a good deal to do with the administration of local bodies and they can render useful service on the Select Committee. In the list of members now before the House I do not find even one except the officials who has been connected with local boards administration or municipal administration. For these reasons I strongly object to the composition of the Select Committee."

The hon. the **PRESIDENT**:—"The hon. Member, Mr. Premayya, has given notice of an amendment to this motion. He not being in his place, the motion is deemed to have been withdrawn."

27th March 1928]

In the absence of Rao Sahib R. Srinivasan, the following amendment was moved by Mr. V. I. Muniswami Pillai with the leave of the House :—

Mr. V. I. MUNISWAMI PILLAI :—“ Mr. President, Sir, I beg to move that the following names be added to the list of members of the Select Committee :—

Mr. M. A. Manikkavelu Nayakar.
Mr. T. M. Moidu Sahib.
Mr. P. J. Gnanavaram Pillai.
Subadar-Major S. A. Nanjappa Bahadur.
Diwan Bahadur R. N. Arogyaswami Mudaliyar.
Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
Mr. V. I. Muniswami Pillai.
Mr. K. R. Karant.
Mr. G. R. Premayya.”

* The hon. the PRESIDENT :—“ Under Standing Order No. 40 (2) the number of such members so nominated shall not, without the leave of the House, exceed fifteen. Nine members have already been proposed and this list contains nine members, which makes the total number of members exceed fifteen. Therefore this motion is out of order.”

* The hon. Dr. P. SUBBARAYAN :—“ Mr. President, before we proceed any further I should like to state that the Government have no objection to this Bill. They are not committed to the principle of the Bill. On this matter they would like to invite the opinion of the local bodies concerned before they can give assent to the principle contained in this Bill. As has been rightly pointed out by the Raja of Ramnad, the presidents of local boards who have been working this Act know the difficulties in the application of the clauses that are about to be introduced and they will have to be consulted before any definite decision is arrived at. As the Raja of Ramnad pointed out, even the presidents of local boards who are already in this House are not put on the Select Committee, and I would ask Mr. Saldanha whether he and I could meet together and settle the list of members of the Select Committee and submit it this afternoon for the consideration of the House.”

The hon. the PRESIDENT :—“ I do not think the House will take it up this afternoon.”

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I move that the consideration of the motion that the Bill be referred to a select committee be postponed to the next meeting of the Council.”

The RAJA OF RAMNAD :—“ I second it.”

The motion was put to the House and carried, and the consideration of the question was postponed.

The following item was deemed to have been withdrawn in the absence of the Member who gave notice of it :—

“ Mr. K. R. Venkatarama Ayyar will move for leave to introduce a Bill for the suppression of Brothels and Immoral Traffic. If the motion is carried, he will introduce the Bill.”